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1945

File No. Children II/45

Legal Department

B **BRANCH**

Subject:—

Rules and Notifications under the Bombay Children Act 1924.

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(GW)

File No. Children II /45

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Bombay Children Act, 1924.
Application of Parts II & III of the ---- to the Municipal limits of Broach and Ankleshwar in the Broach and Panch Mahals District.

Government of Bombay
Home Department.
Resolution No. 8418/4.
Bombay Castle, 8th January 1945.

Letter from the District Magistrate, Broach and Panch Mahals, No. G P.O.L. 205, dated the 19th September 1944:-

"I enclose herewith copies of the marginally noted references and request you to be so good to move Government to

Letter No. M. S.C.D. 14-10-43 from the Chairman, Dist. Committee Bom. Prov. and After Care Assn. Copy of Reso. No. 9 passed at the Annual Genl. meeting.	apply Parts II & III of the Bombay Children Act to the towns of Ankleswar and Jambusar and Broach

City Municipal limits. The reference in original was sent through the Secretary Bombay Probation and After Care Association, Poona but nothing has been heard so far. I am sending copies of the letter and its accompaniments to the secretary, Bombay Province Probation and After Care Association, Poona to expedite the matter."

Government Endorsement, Home Department, No. 8418/4, dated the 23rd September 1944.

Memorandum from the Chief Inspector Certified Schools, Province of Bombay, No. C.H.A. 49, dated the 7th October 1944, to the Commissioner, Nothern Division.:-

"Returned with compliments.

2. The reference in original said to have been sent through the Secy. B.P.P.& A.C.Assn. was not received in the office of the Association. A copy of the letter No. B.P.A. 57 dated the 23rd Sept. 1944 addressed by the Secretary, Bombay Province Probation and After-Care Assn. to the Dist. Magistrate Broach is enclosed herewith for his information.

3. The application of Parts II & III of the Bombay Children Act to the Municipal limits of Broach and Ankleshwar is recommended but application of these two parts to Jambusar

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Municipal area is not considered advisable as it is necessary that there should be suitable local arrangement for remand purposes if the Act is to be properly enforced at Jambusar."

Endorsement by the Commissioner, Northern Division, No. P.C.L. 934, dated the 23rd December 1944.-

"Submitted to Government.

2/ The Commissioner agrees with the Chief Inspector of Certified Schools and recommends that Parts II and III of the Bombay Children Act, 1924 may be extended to the Municipal limits of Broach and Ankleshwar.

3/As regards extending the provisions of parts II and III of the Act to Jambusar, the District Magistrate, Broach and xxxxxx Panch Mahals has been asked the report whether in view of the necessity of local arrangement for remand purposes, the question of extending the provisions of the Act to Jambu sr should be of the Probation and After Care Association is prepared-- dropped for the present for whether the District Committee to make necessary arrangements for the purpose. The reply of the District Magistrate is awaited and it will be submitted when received".

Resolution:- The Government of Bombay is pleased to accept the proposal for the application of Parts II and III of the Bombay Children Act, 1924, to the municipal limits of Broach and Ankleshwar in the Broach and Panch Mahals District. The following notification should be published in the Bombay Government Gazette:-

"In exercise of the powers conferred by section 2 of the Bombay Children Act, 1924, (Bom. XIII of 1924), the Government of Bombay is pleased to direct that Parts II and III of the said Act shall come into oppration in the Municipal limits of Broach and Ankleshwar with effect from the 1st day of February 1945".

By order of the Governor of Bombay.

Sd/-

for Secretary to the Government of Bombay,
Home Department.

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G.R., H.D.No. 6418/4, dated the 8th January 1945.

To

The Registrar, High Court , Appellate Side, Bombay.

The Commissioner, Northern Division.

The District Magistrate, Broach and Panch Mahals.

The Additional District Magistrate, Broach and Panch Mahals.

The District Judge, Broach and Panch Mahals.

The Inspector General of Prisons, Province of Bombay.

The Inspector General of Police, Province of Bombay.

The Chief Inspector of Certified Schools, Province of Bombay.

The Secretary, Bombay Province Probation and After Care Mahals.

The District Superintendent of Police, Broach and Panch Mahals.

The Additional District Superintendent of Police, Broach and Panch Mahals.

The Remembrancer of Legal Affairs.

The Accountant General, Bombay.

The Finance Department.

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Bombay Children Act. 1924.
Printing of a special form for submission of information relating to cases dealt with under the ---

GOVERNMENT OF BOMBAY,
HOME DEPARTMENT.
Resolution No. 7689/3.
Bombay Bombay Castle, 22nd March 1945.

Letter from the Chief Inspector of Certified Schools, Province of Bombay, No. J.B. 133-A, dated the 22nd September 1944:-

"Reference:- Government Resolution, Home Department, No. 7680/3 datedthe 14th April 1936.

A form of "Monthly Criminal Return of Cases" (M.R.1e) which is now in use and a proposed form w ich is intended to replace the former one, are sent herewith with a vi-ew to secure sanction for the printing of the latter.

2. The First Class Magistrates and the Juvenile Court Magistrates as required by the Government Resolution quoted above, send monthly returns of cases dealt with by them under the Bombay Children Act. But in the absence of special forms they use the forms of Criminal Returns. The latter contain penal terms. Further there is no column wherein some information regarding antecedents e and home conditions of the child and abstract of circumstances under which the child committed the offence can be entered in brief. In the absence of such information it is very difficult to know exactly what kind of treatment is needed for the child; in fact, it is not possible properly to scrutinise the returns and whatch the administration of the Bombay Children Act in the different areas of the provice.

3. Under the circumstances Government may kindly be moved to sanction the printing of forms as per specimen attached herewith.

Government letter, Home Department, No. 7689/3, dated the 11th October 1944 to the Registrar, High Court, Appellate Side, Bombay:-

"In the absence of any special form relating to cases dealt with under the Bombay Children Act, 1924, magistrates include such cases in Form A of the Monthly Criminal Return of Cases tried, discharged or permitted to be withdrawn by them. In accordance with the instructions contained in GR,HD, No. 7689/3, dated 14-4-36 (copy enclosed for ready reference) they forward extracts of such cases from this Return direct to the C.I.C.S.Prov. of B'bay, in order to enable him to watch the progress of the working of the B.C.Act and to make suggestion where necessary to the D.Ms.

Vide Chapter XIII of the Circular Orders issued by the H.Ct. of Bombay for the guidance of Criminal Courts and Officers subordinate to it 1931.

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2.- The C.I.C.S., has now pointed out that the form is not entirely suitable for his purposes. It contains penal terms. Further, there is no column wherein information regarding the antecedents and home conditions of the child and abstract of circumstances under which the child committed the offence could be entered in brief. In the absence of such information, it is difficult for him to judge what kind of treat-ment needed for the child; in fact, it is not quite possible for him properly to scrutinise the returns and watch the administration of the Act in the different areas of this Province. In order to enable him properly to do this work, he has sugg-ested the adoption of a special monthly return relating only to cases dealth with under the Act. I am to enclose a copy of the proposed form.

3. Govt. considers that the proposed form would be more useful than the present form in so far as children's cases are concerned and more in keeping with the spirit of the Bombay Children Act. Govt. proposes, therefore, to ask magistrates to exclude cases under the B.C.Act entirely from the Monthly Criminal Return in Form A and to include them instead in the new form, and to forward copies of the return (A) to the High Court through the channel in which Form A is forwarded and along with it and (b) direct to the C.I.C.S.

4. I am to enquire whether their Lordships the Hon. the Chief Justice and Judges of the High Court have any objection to the adiption of this proposal."

Letter from the Registrar, High Courthe Appellate Side, Bombay, No. X/1405, dated the 19th December 1944.-

"I am directed by the Honourable the Chief Justice and Judges to say that Their Lordships approve of the porposed form subject to the changes suggested by the Sessions Judge, Belgaum.

Opinions of Sessions Judges and District Magistrates consulted by Their Lordships are forwarded herewith."

RESOLUTION:- In supersessionof the orders contained in Government Resolution, Home Department, No. 7689/3, dated the 14th April 1936, Government is pleased to direct that all District Magistrates and the Chief Presidency Magistrate, Bombay, should be requested to issue necessary instructions to the courts concerned to exclude information relating to cases dealt with under the Bombay Children Act from Form 'A' of the 'Monthly Criminal Return of Cases' and to enter it instead in the accompanying form and to forward copies of this Return-

(a) to the High Court, through the usual channel in which Form 'A' is forwarded at present and along with it,

(b) to the Chief Inspector of Certified Schools, Province of Bombay direct.

2. Sanction is accrded to the printing of the accompanying form as a special form, which should be included in the

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catalogue of Special Forms as Special Form No. J.B.6. (e) It should be printed on cream laid paper of any colour of the same size as is used for the form of Monthly Criminal Return of Cases(M.R.Ie).

3. The officers concerned should be requested to intimate direct to the Manager, Government Central Press , Bombay, the number of copies of the form that will be required by them. The indents for the forms should e cover three year's requirements.

4. For the purposes of pro forma accounts, the e cost of printing the form should be debited to the head "247-Miscellaneous Departments-Miscellaneous-H 3-Juvenile Branch".

By order of the Governor of Bombay,

Sd/-

For Secretary to the Government of Bombay,
Home Department.

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Accompaniment to Government Resolution, Home Department .No. 7689/3, dated the 22nd March 1945.

Monthly Return of cases under the Bombay Children Act, 1924

Disposed of by Mr.

First Class Magistrate during the month of 194.

No. of Case with Juvenile Court Magistrate's Serial No.	Name of Child (and person or persons) age, sex, religion and caste.	Abstract of circumstances constituting the alleged offence charges and previous orders, if any.	Date of (a) Offence. (b) complaint.	Date, hour, and place of apprehension by the Police or Probation Officer.	In custody, on remand, on bail or recognizance and from what date.	Date and hour of arrival before Magistrate having jurisdiction.	(a) Explanation of detention by the Police. (b) Number and period of remands and designation of the Magistrate granting the same.	(a) Abstract of sentence or order in the case (including order under section 517, Criminal Procedure Code as to disposal of property etc.. (b) A brief abstract of hom... circumstances, antecedents, etc..	Date of decision appeals and section under which the case is disposed of and the method of disposal with reasons in brief.	(a) Explanation of delay before Magistrate. (b) Other remarks by Trying Magistrate.	(a) Remarks by District Magistrate. (b) Cases called for by Sessions Judge.
1	2	3	4	5	6	7	8	9	10	11	12

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MONTHLY RETURN OF JUVENILE CASES DISPOSED BY MR.

MAGISTRATE/1ST. FIRST CLASS /PRESIDING OFFICER, JUVENILE COURT

at in the District of during the

month of 19

No.
Dated 19

Forwarded with compliments to:-

The Registrar, High Court, Appellate Side, thro' the D.M.,-------

and the Sessions Judge,

The Chief Inspector of Certified Schools, Bombay Province, Poona.

Magistrate, First Class.
Presiding Officer, Juvenile Court.

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Bombay Children Act, 1924.
Application of Parts II and III of the ---to the municipal limits of the town of Panchgani in Satara Distr

GOVERNMENT OF BOMBAY.
Home Department.
Resolution No. 5145/4
Bombay Castle, 21st June 1945.

Letter from the District Magistrate, Satara, No. P.C.L.2407, dated the 17th March 1945 to the Commissioner, Central Division:-

"There are many children at Panchgani, who make a public nuisance of themselves by begging importunately on the roads there from the passers by. These children should be apprehended and brought to the Remand Home Satara where there is a Juvenile Court. This cannot however be done unless parts II and III of the Bombay Children Act are made applicable to the area in question.

I therefore request that Government may be moved to apply the provisions of parts II and III of the Bombay Children Act to the Municipal limits of the town of Panchgani".

Endorsement by the Chief Inspector of Certified Schools, Province of Bombay, No. Ch-A-23, dated the 2nd June 1945:-

"Forwarded w.c. to the Commissioner, C.D Poona.

2. I agree with the proposal of the District Magistrate, Satara, and it may be recommended to Government. It may be noted however that application of parts II and III without a local Remand Home is going to lead to difficulties of transport e if the Act is really worked after being enforced. At present the only Remand Home is in Satara, and children will have to be conveyed to and fro for purposes of enquiry. All these difficulties have been pointed out to the District Magistrate but he has stated that due to acute shortage of funds it is not possible either to appoint a separate Probation Officer for Panchgani, or establish a separate Remand Home. Under the circumstances the Act may be enforced in full and though it may not be worked to any great extent at least some children may get the benefit of the same .

Endorsement by the Commissioner, Central Division, No. A.D.M. c./289-III, dated the 16th June 1945 :-

"Copies submitted to Government in the Home Department.

2. The Commissioner is on the whole inclined to try the experiment although in th e circumstances reported, the Commissioner considers that the having of the power in reserve will be largely sufficient to deal with the problem which is undoubtedly a problem that is not easily soluble otherwise."

RESOLUTION:- The Government of Bombay is pleased to accept the proposal for the application of Parts II and III of the Bombay Children Act, 1924 to the municipal limits of the town of Panchgani in the Xxxx Satara District. The following notifications should be published in the Bombay Government Gazette.:-

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Bombay Children Act. 1924 (Bom. XIII of 1924)

"In exercise of the powers conferred by section 2 of the Bombay Children Act, 1924, (Bom. XIII of 1924), the Government of Bombay is pleased to direct that Parts II and III of the said Act shall come into operation in the municipal limits of the town of Panchgani in Satara District with effect from the 10th July 1945".

II

In exercise of the powers conferred by sub-section (1) of section 46 of the Bombay Children Act, 1924 (Bom. XIII of 1924) and rule 14 of the Bombay Children and Juvenile Courts Rules, 1936, the Government of Bombay is pleased further to amend Government Notification in the Home Department No. 4858/4, dated the 9th October 1941, as follows, viz:-

In the entry under column 3 of the Schedule annexed to the said notification for the words "and the municipal districts of Wai and Karad in the Satara District" the words "the municipal districts of Wai and Karad and the municipal limits of the town of Panchgani in the Satara District" shall be substituted.

By order of the Governor of Bombay,

Sd/-

for Secretary to the Government of Bombay,
Home Department.

G.R.H.D.No. 9185/4, dated the 21st June 1945.

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The H.D. is requested to clarify the following points:-

1. Re. rule 2 of H.D. draft - Is any member of the Juvenile branch of the staff to work elsewhere than in the certified school? Under what rules and by whom is such staff appointed?

2. Re. rule (2)(ii) of H.D. draft at p.232 ante - In what sense is the word "determination" use in the Note to this rule? Would it include dismissal? It may also be stated what authority can take disciplinary action. Is the Manager the appellate authority?

3. Re. rule (2)(iii) of H.D. draft - Is the Manager to decide what duties the staff referred to in this rule should perform in the school?

4. Re. rule (8) and (9) of H.D. draft at p.35 ante - The expression "Girls" and Boys' Homes" has not been defined Under what provision of law have such homes been set up? Under what provision were the Home Master, Instructors and the Matron appointed? Have these posts, already been created or are they being created now?

5. Re. rule (5) of H.D. draft at p.34 ante- What are the registers of licenses referred to in this rule?

6. Re. rule (12) of H.D. draft at p.36- Is the provision regarding expenditure on food, clothing, etc., to be incurred by the Lady Superintendent necessary in view of the provisions of rule (2)(i) in the H.D. draft?

Id/- 2/3/45

for Remembrancer of Legal Affairs.

U.R. to H.D. No.1682, dated the 2nd March 1945.

VGP. 25-7-56.

Office of the R.L.A.

A revised draft notification in place of the draft at pages 31-43 ante is sent herewith.

2. Next Rule 2 in the H.D. draft has been split up into rules 3 to 7 in the revised draft.

3. Revised rule 7 corresponds to rule 3 in the H.D. draft.

4. Revised rule 8(2) correspond to rule (9) in the H.D. draft. The reference to Instructors in the H.D. draft rule (9) has been deleted, since the Chief Inspector explains in para. 6 thereof his note at p. 56 (portion marked D) that although a few certified school boys are allotted to the workshops, they are not controlled by the Juvenile Branch.

5. Revised rule 9.- This corresponds to H.D. draft rule 9 (11) : It has been recast to bring out the intention more clearly.

6. Revised rule 10 corresponds to rule (5) in the H.D. draft, and revised rule 12 to rule (6) in the H.D. draft. It has been ascertained from the office of the Chief Inspector that the discharge of an inmate, the period of whose detention has expired, is to be entered in the Register of Discharges. Revised rule 515 provides accordingly. The maintenance of the Register of Discharges has therefore been provided for in this rule.

7. Revised rule 14(2).- The provisions of H.D. rule (14) are embodied in this rule. Although the second sub-rule is based on rule 24(1) of the rules for the Tervada Industrial Schools, it has been drafted so as to provide that the inmate shall be taken to his native place by the school peon, if the parent or guardian does not come to take charge of him. It provides that the inmate shall be sent to an After-care Hostel, if he has no parent or guardian. An After-care Hostel has not been defined or prescribed under any rule or order.

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However, since it also occurs in Yervada rule 24(1), the reference to the Hos tel has been retained in this rule.

8. Revised rule 15 corresponding to H.D. draft rule(15) provides that where the inmate is discharged on the expiry of the period of his detention, the Superintendent shall order the payment to him of subsistence allowance for his journey home. Whereas in the case of the release on license of an inmate under rule 14(1), elaborate provision has been made as to intimation being given to the parent or guardian of the inmate before the latter's release; and it has been laid down that in the absence of the parent or guardian the school peon should take the inmate to his native place, following the H.D. draft, no such provision has been made in the case of discharge under rule 15.

9. Revised rule 16 corresponds to H.D. draft rule (7), revised rules 17 to 26 correspond to H.D. draft rules (16) to (25).

10 Revised Rule 19 provides for Government taking into consideration the recommendations of the Chief Inspector in appointing the non-official members to the Committee of Visitors whereas H.D. draft provides that the appointments should be made on the recommendation of the Chief Inspector.

11. Revised rule 25(2).- Although this follows closely the wording of Yervada rule 35(2), in the concluding portion the words "and the nutritive value of the diet is not reduced" may have been used to make the intention clear.

12. Revised rule 26.- Subrule (ii) of H.D. rule (25) has been deleted as being ultra vires in view of the fact that such a rule can only be made by the Governor under section 241(2)(b) of the Government of India Act, 1935.

13. Revised rules 27 to 32. correspond to H.D. draft rules (26) to (29)

14. Revised rule 29(d):- Sub-rule (f) of rule [28) in the H.D. draft provides that boys on rising wages should not receive gratuities.

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It is presumed that by gratuities is meant the monetary rewards referred to in sub-rule (c) of the said rule. Revised rule 29(d) provides accordingly.

15. Revised rule 32.- The concluding portion has been revised so as to make it clear that the money to the credit of an inmate released shall be handed over by the Superintendent to his parent or guardian, if he comes to take charge of him under sub-rule (3) of rule 14, and if he does not come, to the inmate.

16. Revised rule 33 corresponds to rule (30) in H.D. draft.

17. Revised rule 33(2) and para. 2 of H.D. draft rule (30).- The reference to the award of the maximum amount of solitary confinement as one punishment is not understood. Since no inmate can be kept in solitary confinment for a period exceeding three days at a time, presumably the intention is that the maximum amount of that punishment that may be awarded in a year shall be 15 days, with a break of not less than 30 days between each separate period of confinement. Sub-rule (2) of revised rule 3 . is drafted on this presumption.

18. The H.D. is requested to verify if the revised rules carry out its intentions.

19. Para. 3 of H.D. i note a t p. 57 ante.- The H.D. notification No. 5943/3 dated the 10th November 1935 need not be cancelled, as i spent itself when Government took over the institution.

Sd/-P.N.Moos

O.C. Remembrancer o f Legal Affairs.

U.R. to H.D. No. 6990, datedthe 24th September 1945.

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